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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,950

09/04/2003

Michael Gauselmann

ATR-A-123

8895

32566 7590 12/10/2009  
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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,950	<b>Applicant(s)</b> GAUSELMANN, MICHAEL	
	<b>Examiner</b> Binh-An D. Nguyen	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-18 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,10,13,14,22,25,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3,5,6,8,11,12,15-18,20,21,23,24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The Amendment filed April 22, 2009 has been received. According to the Amendment, claims 1, 11, 117, and 28 have been amended; and claims 4 and 19 have been canceled. Currently, claims 1-3, 5-18, and 20-30 are pending in the application, wherein claims 7, 9, 10, 13, 14, 22, 25, 29, and 30 have been previously withdrawn due to non-elected species. Claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 are hereby examined on the merits. Acknowledgment has been made.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman (6,905,407) in view of Crawford et al. (6,270,412).**

Referring to claim 17, Nordman teaches a gaming device comprising: a first display area (30) for displaying a base game (Fig. 1B), the base game having a plurality of possible outcomes (e.g., slot symbols combinations); and at least one processor for triggering a selection of one or more features to be applied to the base game in response to a triggering event, the one of more features providing a temporary enhancement to the base game, the one or more features acting to increase an award

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value or increase a player's chances of winning an award when playing the base game (2:45-60; 5:6-6:59); and a second display area (32) for displaying one or more selectors randomly selecting one or more features to be applied to the base game in response to the triggering event (Figs. 1A-5)(2:1-3:40; 7:13-8:22). Nordman further teaches the one or more features include randomly selecting a number of free base game (7:13-21; Fig.4). Nordman does not explicitly teach the one of more features to be applied to at least one subsequent base game; and in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply. Crawford et al., however, teaches a gaming system wherein one or more features randomly selected is saved for the next or subsequent game (see abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the user a game symbol saving option, as taught by Crawford et al., to the game system of Nordman to enhance game experience, and further, allow the player to continued the game with the saved game feature to encourage the players to play the game again, thus increase casino revenue.

Referring to claim 1, Nordman teaches a gaming method comprising: displaying a base game (e.g., slot machine game), the base game having a plurality of possible outcomes; triggering a selection of one or more features to be applied to the base game by a triggering event, the one of more features providing a temporary enhancement to the base game, the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game (2:45-60; 5:6-

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6:59); and in response to the triggering event, randomly selecting one or more features to be applied to the base game Figs. 1A-5)(2:1-3:40; 7:13-8:22). Nordman further teaches the one or more features include randomly selecting a number of free base game (7:13-21; Fig.4). Nordman does not explicitly teach the one or more features to be applied to at least one subsequent base game; and in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply. Crawford et al., however, teaches a gaming system and method wherein one or more features randomly selected is saved for the next or subsequent game (see abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the user a game symbol saving option, as taught by Crawford et al., to the game system of Nordman to enhance game experience, and further, allow the player to continued the game with the saved game feature to encourage the players to play the game again, thus increase casino revenue.

Referring to claims 2 and 18, Nordman teaches triggering a selection comprises displaying a certain symbol combination in the base game (e.g., slot game symbol combination).

Referring to claim 3, wherein triggering a selection comprises displaying at least three matching symbols across a payline in the base game, this limitation is inherent form slot machine game of Nordman (e.g., matched slot symbols in winning combination).

Referring to claims 5, 11, 20, 27, Crawford et al. teaches using wild card symbols in the base game (6:45-56).

Referring to claims 6 and 21, Nordman teaches randomly selecting comprises randomly selecting an award multiplier to be applied to the base game (8:1-12).

Referring to claims 8 and 23, Nordman teaches randomly selecting comprises randomly selecting a symbol that pays an award in the base game (8:1-12; 7:13-21).

Referring to claims 12 and 28, Nordman teaches displaying the base game comprises displaying a random selection of symbols in at least one row and a plurality of columns (Fig. 1A, 1B).

Referring to claims 15 wherein extinguishing the one or more features randomly selected when a player cashes out of a gaming device running the base game, this limitation is inherent from the game system of Nordman in which the special game feature would end should the game player stop playing the game.

Referring to claim 16, Crawford et al. teaches a gaming system wherein one or more features randomly selected is saved for the next game (see abstract).

Referring to claim 26, wherein the first display and the second display are physically in separate locations, this is a design choice since locating displays of a gaming machine apart from each other does not bring unexpected results to the game.

### ***Response to Arguments***

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Applicant's arguments with respect to claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art  
Unit 3714

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